

REMARKS/ARGUMENTS

In light of the above amendments and remarks to follow, reconsideration and allowance of this application are respectfully requested.

Claim 6 is pending in this application.

Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Linnartz (U.S. Patent 6,209,092) in view of Matsumoto et al. (U.S. Patent 6,542,870), Tsutsui (U.S. Patent 6,496,898), and Tagawa et al. (U.S. Patent 6,615,192).

The present invention is an apparatus for recording individual audio programs and album groups of audio programs with copyright protection and charging condition information onto a record medium. Claim 6 recites "adding respective rights information individually to each of the selected audio programs, wherein the added rights information includes respective copyright information and charging condition information."

In response to Applicants' previous arguments, the Examiner contends that "Matsumoto teaches the inclusion of charging condition information (see figure 15 and column 27, lines 41-56)" with the rights information. (Office Action page 4) However, for at least the following four reasons, Matsumoto fails to meet the "charging condition information" limitation recited in present claim 6.

First, the present invention's "charging condition information" relates to the conditions under which a fee is to be charged (e.g. for recording a copyrighted song). By contrast, Matsumoto discloses fee information 401 which is the fee amount to be charged for recording a song; rather than the conditions under which the fee amount is to be charged. (Column 27, lines 45-52) Hence, a fee amount is patentably distinct

from the conditions under which the fee amount is to charged. Thus, Matsumoto's fee information fails to meet the present invention's charging condition information.

Second, claim 6 requires "added rights information includes respective copyright information and charging condition information." As shown in Figure 15, Matsumoto discloses additional information including "the title of an album, the name of an artist and the title name of a track 2 or the libretto of the song." (Column 27, lines 50-51) Matsumoto does not disclose either copyright information or charging condition information as being included in the additional information.

Third, claim 6 recites "adding respective rights information individually to each of the selected audio programs." The adding operation is performed by either adding unit 7 or adding unit 11 shown in Figure 1. Matsumoto discloses "control is executed to record only the additional information selected by the user into the HDD 15 and to associate the additional information with dubbed audio information." (Column 28, lines 7-9) In fact, Matsumoto's additional information is recorded in a management file. (Step F314 in Figure 16) Hence, Matsumoto fails to disclose adding rights information to the audio program as required in the present claims.

Fourth, Matsumoto's calculated fee information is likewise not added to the dubbed audio information. Rather, the calculated fee information is either processed in step F500 or temporarily stored in the HDD as a total fee for monthly processing. (Column 27, lines 57-67) Hence, Matsumoto fails to disclose adding the charging condition information (included in the rights information) to the audio program as required in the present claim.

Applicants further assert that Linnartz, Tsutsui, and Tagawa each fail to disclose adding analogous charging condition information as part of the rights information as required in the

present claims. Accordingly, any combination of Linnartz, Matsumoto, Tsutsui, and Tagawa fails to meet all of the recited limitations and rejected claim 6 should be allowed.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095.

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Respectfully submitted,

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